

FEASIBILITY STUDY
CONCERNING THE
FUTURE OF JUDICIAL BRANCH EDUCATION
IN MACEDONIA

Prepared
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For
The Macedonia Court Modernization Project

September, 2004

Skopje, Macedonia

Funded
By
The United States Agency for International Development

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Dear Reader:

The education of judges, public prosecutors and judicial staff is paramount among the functions of the public and judicial sectors of government. The topic has long been a subject of debate among the interested parties in the Macedonian legal community. The time is fast approaching when these issues, both important and contentious, will be resolved. If legislation is required, or even if it is not, it is hoped there will be open, informed discussion of the many questions of law, policy, and education necessary to reach a wise decision.

As part of that process of public deliberation, the USAID Macedonia Court Modernization Project (MCMP) is pleased to offer this Feasibility Study on the future of judicial branch education in Macedonia. The Study was prepared by an American and two European experts in continuing judicial education, who came to Macedonia, studied its institutions, conferred with a broad spectrum of leading judges, prosecutors, and interested parties, and then stated their conclusions independently and objectively.

It bears repeating that the Feasibility Study does not reflect the views or positions of either USAID or the Macedonia Court Modernization Project. The role of MCMP was limited to organizing the Feasibility Study and to editing and formatting the text of the report. The words and thoughts are in every substantial respect those of the independent team of authors.

In almost every human undertaking, thanks are due to all who bear an honorable part. It is seldom inappropriate to thank. We thank the members of the Feasibility Study team for their intense, fiercely conscientious labors. We thank our Macedonian colleagues who gave so generously of their time to confer with our distinguished visitors and to impart to them much knowledge and insight. We thank the hard-working staff of MCMP who spared no effort to bring the Feasibility Study to its audience.

Now that the work is in the hands of its readers, we hope it is an informative and useful contribution to public discussion of the vital topics it addresses.

Very sincerely, for the Project,

Douglas M. Myers, Director

Executive Summary

This feasibility study provides an objective analysis of the present state of Judicial Branch Education in Macedonia and broad recommendations for the design, structure, and resources needed to create an institution dedicated to the on-going training and education of the Judicial Branch.

This Feasibility Study was conducted by a team of experts: Hon. Paul Broekhoven, former judge and past President of the Court of Utrecht, the Netherlands; Dr. Patricia Murrell, professor and Director of the Leadership Institute for Judicial Education, University of Memphis, Memphis, Tennessee, USA; and Hon. Daimar Liiv, former member of Parliament and Director of the Estonia Law Centre Foundation.

In June of 2004, the team met with members of the Ministry of Justice, of the Supreme Court and the Courts of Appeal, President Judges of the Basic (trial) Courts, the Republic Judicial Council, the Court Budget Council, the Macedonia Judges Association, the Centre for Continuing Education, the Public Prosecutor's Office, court staff members and members of the international community who have provided funding for educational programs.

Statement of Need

Although Macedonian law formally recognizes the importance of continuous professional training for judges and prosecutors, at present there is no public institution or systematic program of instruction, preparation or training.

In 1999 the Macedonian Judges Association established the Centre for Continuing Education (CCE) to provide training for judges, court interns and other court staff. In 2002 the scope of training was expanded to include training for public prosecutors. In 2004, the Centre began Executive, Administrative and staff education on a national level. While the CCE is helping to meet the training needs of the judiciary, the CCE is funded primarily by international donors. This is not a sustainable long term solution to judicial branch education.

There is now a broad consensus that a revised system of judicial training is needed for the establishment of an efficient and independent judiciary and that there should be a national, publicly funded training institution for the Judiciary and the Public Prosecutor's office. It is believed that effective training for judicial candidates and sitting judges is the most direct way to enhance their capacity for impartial, competent and efficient adjudication. It is clear that the professional competence of individual judges critically affects the legitimacy of the judiciary.

In light of the above, the Feasibility Team recommends that a National Centre for Continuous Education be established to provide mandatory initial training for Judicial Candidates and aspiring Public Prosecutors as well as continuing professional education for judges, public prosecutors, and court personnel. The Centre will play a pivotal role in the creation of a professional judicial system and increase the level of public confidence in the judicial system.

Establishment of a National Centre for Continuous Education

A “National Centre for Continuous Education” should be established as a public institution in Skopje and a commitment of financial support should be sought from the government and/or the international community. The Centre must be properly equipped, staffed and funded in order to perform its role and achieve its purpose. This is a necessary and fundamental precondition, which presupposes a credible commitment at the political level.

The authority responsible for supervising the quality of the training program should be independent of the Executive and the Legislature. Accordingly the judiciary should play a major role in organising and supervising the Centre. Consistent with these guiding principles, the composition of the managing body should be determined by law.

The mission of the new Centre will be “To affect a more equitable system of justice for the people of Macedonia by providing continuous professional education for a variety of court system personnel.” To achieve that purpose through the new centre, a number of areas must be addressed: the audience or learners, the program content, the teaching strategies and methodologies and the evaluation methods.

Short-term strategic goals include:

- Develop a training strategy for the next five years
- Design the initial training programme and format, including curriculum
- Develop the continuous training programme and format, including curriculum
- Develop a core faculty for whom the Centre will design and implement a faculty development programme
- Provide continuous training courses for judges, public prosecutors, and court staff
- Provide initial training for candidate judges and candidate public prosecutors

Program Content

The training program and curriculum should be designed in response to the following:

- Training judges and prosecutors in newly adopted legislation
- A successful strategy for the improvement of the judicial system must include a comprehensive retraining scheme for judges and prosecutors already in office
- An initial training and pre-service education system should be developed

Program content should include academic subject matter, judicial and administrative skills, ethics, and personal health and growth. Although updating judges' knowledge of the substantive law is important, well-conceived and comprehensive training should also teach practical and judicial skills.

These program content areas will be applied differently to different audiences, dependent on the needs of the group, but all areas should be addressed to some degree. All educational efforts should be framed against the background of Court Performance Standards including: access to justice, expedition and timeliness, equality, fairness and integrity, independence and accountability, and public trust and confidence.

Target Audience

The Centre's target audience will include current judges and public prosecutors, newly appointed judges and public prosecutors and law graduates seeking a career as judges or as public prosecutors.

Current judges should be afforded the opportunity to ensure that their knowledge, skills, and attitudes are up-to-date. Additionally, they should be made aware of the additional responsibility that this places upon them to fulfill their extraordinary role in one of society's most important institutions – the courts.

A specialized track should be developed for appellate judges in order to provide them with the necessary skills and current knowledge for their work. A training track for president judges and court secretaries (the administrative component) should also be provided.

Special attention should be paid to recently appointed judges. This is the ideal time to begin creating the "culture of education" or "learning organization" that the court needs to be. Providing a formal educational component to the induction process sets the tone and the expectation that learning and education is the norm for the courts.

Attendance at programs should be strongly encouraged and a record should be kept that indicates successful completion of courses.

Individuals who are interested in becoming judges should be required to attend pre-appointment courses that build on their legal training. Successful completion of this course should be mandatory before one can become a judge.

Public prosecutors should be educated in order to remain current in their understanding of the law and its application in the courts. Those individuals who are interested in becoming prosecutors should be required to attend pre-appointment courses that address the skills and knowledge of the office and the role of the public prosecutor. Successful completion of this course should be mandatory prior to appointment as a public prosecutor.

Concerning the pre-appointment education, a decision as to when to begin such training will have an effect on both the expense of this training and the extent of the training required. The two logical choices appear to be to begin education immediately upon graduation from the law faculty, or to provide education to those who have successfully passed the bar examination.

The Centre for Continuing Education with the support of foreign donors is providing administrative education for the years 2004 and 2005. While Executive, Staff and Administrative Education is part of the CCE mandate, it must be decided if this will be included as part of the responsibility of the new centre.

The Centre will also need to focus on faculty development both for faculty who provide initial education as well as for those who are responsible for continuing education. It is anticipated that many faculty members will come from the ranks of the judiciary and the prosecutor's office.

OVERVIEW

I. Introduction

The purpose of this study is to provide an objective analysis of the present state of Judicial Branch Education in Macedonia in order to design a model of education, which meets the present and future needs of the judiciary in the best possible manner considering the available resources. The study recommends a professional and institutional solution suited to the circumstances of the Macedonian Judiciary, consistent with European standards and best practices.

Due consideration is given to the appropriate institutional role of the training organization with particular attention to its governance and its relationship with the Judiciary, the Public Prosecutors Office, the Ministry of Justice, the Republic Judicial Council, the Macedonia Judges Association and the Centre for Continuing Education.

The study was conducted by the following team of experts: Hon. Paul Broekhoven, former judge and retired President of the Court of Utrecht, The Netherlands;

Hon. Daimar Liiv, former member of Parliament and Director of the Estonian Law Centre Foundation, Tallin, Estonia; and Dr. Patricia Murrell, Professor and Director of the Leadership Institute in Judicial Education, The University of Memphis, Memphis, Tennessee, United States of America.

See Appendix A for complete CV's

During the period from June 20 – 27, 2004 the Feasibility team met with representatives of the Ministry of Justice, the Supreme Court and the Courts of Appeal, with President Judges of the Basic (trial) Courts, with the Republic Judicial Council, with the Court Budget Council, with the Macedonia Judges Association and staff from the Centre for Continuing Education, with the Public Prosecutors Office, with court staff members and with members of the international community.

See Appendix B for a list of individuals interviewed.

II. State of affairs

Macedonia has approximately 650 judges and approximately 200 Public Prosecutors. The judicial branch employs approximately 1500 staff members.

A. Appointment to the Bench or Public Prosecutors Office

To become a judge an individual must graduate from the law faculty, pass the bar examination and satisfy the applicable work experience requirements. Law graduates must serve a two-year legal internship before they are eligible to take

the bar examination. Graduates interested in pursuing a judicial career often satisfy this requirement by serving as court interns. After passing the bar examination an additional five years of satisfactory legal experience is required for appointment as a Basic Court Judge. This requirement is generally satisfied by service as a court assistant.

Law graduates interested in careers in the Public Prosecutors Office must complete a two year legal internship, pass the bar examination, and have at least five year of legal work experience after passing the bar. These candidates usually obtain the necessary experience by working in a public prosecutor's office.

However, these requirements may not be enough to ensure that newly appointed judges or prosecutors have sufficient training and experience to become successful and effective judges or prosecutors.

There is no systematic program of instruction or preparation for those who wish to become judges or prosecutors. Moreover, newly appointed judges and prosecutors are not required to undergo any training before assuming their duties. Another complication is that individuals can become judges without having worked in the court system.

B. Legislation

A judge has a right and obligation to continuous professional training during his/her term of judicial office. From the provisions for funds it is compulsory that provisions are set aside for the professional training of judges. (Article 51 of the Law of the Courts)

Article 76 of the Law of the Courts states that the affairs of the judicial administration are exercised by the Ministry of Justice and Article 77 of the same law states that within the sphere of competence of the judicial administration is: taking care of the education and professional training of the personnel.

According to Article 4 of the Law of the Court Budget at least 2% of the court budget shall be deducted for the professional training of judges, state employees, court police and other court employees.

The Macedonian Judges' Association Code of Judicial Ethics also stresses the importance of continuing legal education.

See Appendix C for a list of selected Legislation dealing with Judicial Branch Education

C. National Centre for Continuous Education

In Macedonia there is no public institution to provide pre-appointment training for the Judiciary or the Public Prosecutor's Office. However, in 1999, The Macedonian Judges Association established the Centre for Continuing Education (CCE) to provide continuing legal education for judges, court interns and court staff. In 2002, the CCE developed some joint training to include public prosecutors. In 2004 the CCE began Executive, Administrative, and Staff Education on a national level.

There is no doubt that the CCE has successfully filled a gap by providing continuing legal education, but it is not enough. Without a systematic approach in the field of education for judges and public prosecutors there is no guarantee that each judge or public prosecutor has received the necessary education to fulfil his duties.

Reportedly there is now a consensus among all interested parties that a revised system of judicial training is needed for the establishment of an efficient and independent judiciary and that there should be a national publicly funded training institution for the Judiciary and the Public Prosecutor's Office.

III. Statement of Need

One of the foundations for a legitimate judiciary is the professional competence of individual judges. Access to a system of adjudication administered by experienced and professionally competent judges is the right of every citizen. Effective training for judicial candidates and judges is the best way to enhance their capacity for impartial, competent and efficient adjudication.

The Council of Europe has developed a set of principles and rules associated with the achievement of an effective, efficient and fair system of justice.¹ One of the means to achieve these goals is to ensure the opportunity to obtain an adequate level of education for judges, prosecutors, and other legal professionals. The importance of judicial training has been recognised by the European standard-setting instruments, which declare that initial and continuous training is a right and a duty of all those involved in the judicial service. It is widely accepted that judicial training should be conducted at state expense.

IV. The Creation of a National Centre for Continuous Education

A National Centre will play a pivotal role in the creation of a professional judiciary in Macedonia. By ensuring that judges and prosecutors are properly equipped to fulfil their functions the Centre will enhance the efficiency of the judicial system, including the proper functioning of courts and prosecutors' offices. Hence, it will contribute to an increased level of public confidence in the

¹ . See www.coe.int

judicial system, to the success of the judicial reform strategy and to the development of the Rule of Law in Macedonia.

In order to accomplish this, the Centre must deliver sustainable pre-appointment and continuous training. In light of the different target groups and priorities, the Centre must design programs, develop educational methods and select and train educators to meet the needs of a dynamic judiciary, while becoming solely responsible for judicial training.

A. A Public Institution

The Centre should be established as a public institution located in Skopje. While establishing regional centres may not be necessary in Macedonia, the development of satellite offices in the two appellate districts outside of Skopje should be considered. It is likely that regional offices will provide savings in terms of travel and housing expenses while reducing time lost from work.

As a public institution, the government is obliged to provide the Centre appropriate premises, equipment and annual budgets. If that is not economically feasible, the support of the international community may be necessary.

B. Institutional Independence

The European Charter on the Statute for Judges provides that any authority responsible for ensuring the quality of the training program should be independent from executive and legislative powers and that at least half its members should be judges.² The judiciary should play a major role in or itself be responsible for organizing and supervising training. This is a corollary to the general principle concerning judicial independence. Therefore these responsibilities should be entrusted, not to the Ministry of Justice or any other authority answerable to the Executive or the Legislature, but to the judiciary itself.

C. The Management Structure

Governance

While there are many governance models, the following is an adaptation of one that has been successfully used. The management body could be a Steering Board, composed of 4 members appointed by the judiciary to include judges from all court levels and all regions of Macedonia; a representative of the Ministry of Justice, a representative of the Court Budget Council, a Court Secretary and a member of the Macedonia Bar Association. Since the Administrative Office

² European Charter on the Statute for Judges, Art. 2.3 and 4.4

oversees the funding for Judicial Branch Education, it is appropriate that the Director of the AO be an ex-officio member of the Steering Board. Should the prosecutor's office choose to be part of this Centre, it will be necessary to provide representation for them on the Board.

The Steering Board should be responsible for adopting all relevant legal acts and regulations, approving programs and curricula, appointing trainers, financial plans, budgets, and other managerial tasks. The Steering Board should meet regularly and at least on a quarterly basis.

Centre Staff

Executive authority should be vested in the Director of the Centre appointed by the Steering Board. Practice in the Netherlands, the United States, and certain other countries, has found that a retired judge of national reputation, committed to continuing education, imparts the prestige necessary for a national director. It may also be advisable to appoint a prosecutor as a Co-director should the Prosecutor's Office commit itself to be part of this Centre.

The number of staff and the organization of the Centre depend mainly on its tasks. In consideration of all tasks foreseen for the Centre including pre-appointment education and continuing education of judges and prosecutors, and training of court personnel, the structure could be organized in a variety of configurations.

For possible configurations which might be phased in, see Appendix D.

The key unit for fulfilling the Centre's tasks is the Training Department. This unit can start with a small number of specialists responsible for both the programming and organization of events. But as this situation changes, tasks related to the substance of the training and its organisation should be separated. This is particularly important when the number of training programs increase and their substance becomes more complex. In this situation training specialists will need more time to work on the substance of the training and should be released from organizational tasks.

V. Priorities

A successful strategy for the improvement of the judicial system must begin with a comprehensive (re)training scheme for judges and prosecutors already in office. In addition, the development of a system of pre-appointment education and the development of a system of continuous training is imperative.

The new legislation enacted in Macedonia and other laws to be adopted in the near future will put a heavy burden on judges and public prosecutors, as well as on other judicial actors. Because of the many changes in legislation it is very important to provide continuing education for judges and prosecutors concerning the new laws.

One additional challenge will be to accommodate and coordinate the training efforts of the various international donors. The Centre will need to organise itself so it will be able to draft a coherent program which ensures that judges and prosecutors can plan their training schedule and still be able to meet their court responsibilities.

The training curricula should address the “whole person – the human being behind the profession.” Typically, judicial training programs in Eastern European countries teach judges about the main branches of substantive and procedural law, but do not incorporate topics affecting attitudinal and behavioural change. It is not unusual that the most basic ethical concepts are unknown to judges or not applied by them. Such training rarely addresses relevant non-judicial skills.

Although updating judges’ knowledge of the substantive law is important, well-conceived and comprehensive training should also teach practical and judicial skills. In this respect, it can be expected that the Centre will benefit from the experience of Western European training institutions, through expert missions and exchange arrangements/visits. Particular attention should also be given to teaching domestic legislation and case law according to European legal norms.

The target groups of the Centre will be sitting judges and public prosecutors, newly appointed judges and public prosecutors without prior experience and new law graduates seeking a career as future judges or public prosecutors in addition to court employees. Obviously, the Centre will need to devise different training programmes, which consider the specific needs of the different participants.

VI. Recommendations

The primary purpose for the establishment of a National Centre for Continuous Education is to create a public institution capable of supporting the process of judicial reform and to develop the professionals who will ensure that Macedonia has a professional, effective and efficient judicial system.

By increasing the professional role the Centre will play in the overall process of judicial reform, the Centre can grow into a sustainable institution which will deliver both pre-appointment education for judges and prosecutors and continuing education for judges, prosecutors, and court staff.

A. Objectives

In order to allow the Centre to provide the training that judges and public prosecutors need, four major areas of action/strategic orientations can be identified:

- * Institutional development

- * Human resources development
- * Curricula development (including teaching materials) and training
- * Design of the initial training format

Area 1: Institutional development

- Ensure that the Centre has appropriate premises and is well equipped for teaching and studying
- Develop and improve the administrative and management capacity of the Centre and its staff
- Promote links between the Centre and other legal training institutions

Area 2: Human resources development

- Identify and select a core faculty of legal professionals to become faculty for the Centre for both pre-appointment and continuing education
- Improve specialized knowledge and teaching skills of selected faculty

Area 3: Curricula development and training

- Review and develop training curricula and teaching materials for continuing education
- Update the knowledge of sitting judges and public prosecutors in specific areas of law, including European legal norms in the field of human rights and the rule of law, as well as selected non-legal topics

Area 4: Pre-service training

- Define the profile and competencies of a good judge/public prosecutor
- Determine the pre-service training format
- Develop training programs
- Determine the selection criteria for candidates
- Determine the method of admission to the program
- Determine the number of candidates to be admitted on a yearly basis

Please see proposed time line in Appendix E

B. Immediate Goals

- Develop an educational strategy for the next five years
- Design the initial educational programme and format, including curriculum

- Develop the continuing educational programme and format, including curriculum
- Develop a core faculty for whom the Centre will design and implement a faculty development programme
- Provide continuing education for judges and public prosecutors
- Provide continuing education for Executive, Administrative and Staff Members from the courts
- Develop a governance model which is responsive to the needs of all those who use the services of the Centre and promotes inter-governmental

cooperation

It should be stressed that the Centre will need to be properly equipped, staffed and funded in order to perform its role and achieve the above mentioned goals. This is a necessary and fundamental precondition, which presupposes a credible commitment at the political level. Support of the Centre will need to go beyond promises.

EDUCATIONAL PRINCIPLES

In light of the above situation a National Center for Continuous Education (NCCE) should be established to provide mandatory continuing professional education for judges, public prosecutors and court personnel. Given the existence and commendable record of the present Center for Continuous Education, the transition to a new centre, organized on the principles stated above, seems to be imminently feasible.

As part of the preparation for such a center, the Macedonian Court Modernization Project (MCMP) has already conducted an initial needs assessment to ascertain the kinds of training and education that judges need. Representatives from DPK visited with eleven of the 27 Basic Courts asking every judge in the court to fill out a judicial education needs assessment. More than 175 of the 650 judges in Macedonia filled out the questionnaire. This questionnaire was comprised of questions regarding the background of the judges, how they could be reached, their judicial experience, and the jurisdiction in which they preside. Questions regarding the Macedonian Judges Association revealed that approximately 90% of the judges are members of the Association.

In response to questions about the educational needs of the judges, a majority indicated a need for practical application and a variety of specific programs such as civil and criminal law and procedure, human trafficking, principles of managing a court, fairness, dealing with the media, enforcement of judgments, settlement techniques, European law, logic, legal analysis, opinion writing, evidence, misdemeanors and financial crimes.

Approximately 30% of the judges indicated that they could teach a course for other judges, while only 10% had had the opportunity to do so. Approximately 50% expressed a willingness to attend a class to learn how to teach other judges and staff. The greatest concerns expressed about continuing judicial education are funding and good training. Clearly, additional needs analysis should be conducted in order to ensure that the center is meeting the needs of the judiciary.

Along with the attention to needs assessment, the management, financing, and governance structure, issues of programmatic operation of the new national center must be addressed. The purpose of the NCCE has been stated, "To effect a more equitable system of justice for the people of Macedonia by providing continuous professional education for a variety of court system personnel." To achieve that purpose through the new center, a number of areas must be addressed: the audience or learners, the program content, the teaching strategies and methodologies, and the evaluation methods.

The new centre should be regarded not just as a source for instrumental learning and skill development, but should be seen as a think tank and an agent for change and reform in the judiciary and thus in society. Albert Einstein said, "No problem

can be solved from the same level of consciousness that created it. We must learn to see things anew.” It is hoped that the staff and faculty of the NCCE will look at things in new ways and create new levels of consciousness for themselves and subsequently in the judges and prosecutors as well.

I. Audience or Learners

A. Current Judges

Current judges should be afforded the opportunity to ensure that their knowledge, skills, and attitudes are current. Additionally, they should be aware of the additional responsibility that this places upon them to fulfill their extraordinary role in one of society’s most important institutions – the courts. Attendance at programs should be strongly encouraged and every effort should be made to accommodate the schedules of the judges who are attending.

Whether it is mandatory or voluntary is a decision for the people of Macedonia. In either case, a record should be kept that indicates successful completion of courses.

A specialized track should be developed for appellate judges in order to provide them with the necessary skills and current knowledge for their work. Where appropriate all current judges may be in a session that is designed to disseminate information, then separate groups for discussion may be used.

A training track for president judges should be provided. Since they are elected by the members of the legislature, it may be difficult for this to be provided prior to their election, but could be arranged for them as soon as possible after they are elected. Since the numbers under this arrangement would be quite small (a total of 30 President Judges whose terms are staggered) a mentor might be arranged for the new President Judge. An alternative would be to have a course or track for judges who are interested in becoming president judges. Such a course would be open to any judge who had aspirations to place himself or herself as a candidate for president judge, but would not be mandatory prior to election.

B. New Judges

Special attention should be paid to individuals who have recently been appointed as judges. This group is experiencing a need for information that is immediately useable, but it is also an opportunity to emphasize the ethics, values and beliefs of the courts and their new identity and self image as judges.

This is also the ideal time to begin creating the “culture of education” or “learning organization” that the court needs to be. Providing a formal educational component to the induction process sets the tone and the expectation that learning and education is the norm for the courts. The content for new judge orientation

would follow the program content schema set forth in the following section, but would pay greater attention to the immediacy of the situation for these judges.

C. Judicial Candidates

Individuals who are interested in becoming judges should be required to attend pre-appointment courses that build on their legal training. Successful completion of this course should be mandatory before one can become a judge.

As a way to begin such education, consideration should be given to organizing seminars that give the candidates an opportunity to discuss and compare their experiences as law clerks or interns during their two years prior to taking the bar examination and the five years required experience working in the court. Thus, their work becomes experience on which they can reflect, draw inferences and develop hypotheses and principles, and try out the new learning in simulated or practice sessions. Hopefully, their experiences become more meaningful and they learn from each other.

Another suggestion is that experienced judges be assigned to the candidates as mentors. Training would be provided for the mentors and they would be encouraged to meet with their candidate judges on a regular basis. They might also be included in some of the seminars so as to hear how their candidates are making meaning of their experience.

Since there is the possibility of individuals applying for and being appointed as judges or public prosecutors who have no court experience, the need for instituting a course for judicial and prosecutorial candidates seems imperative. In each case, the team felt that training should begin after the individual has passed the bar examination.

Another issue which is sensitive concerns those individuals who have served as law clerks for the necessary five year period after passing the bar examination. Concerning these individuals, it seems that a short period of time should be provided to allow them to apply to become judges or public prosecutors without being required to attend the pre-appointment educational program.

D. Currently Appointed Public Prosecutors

Current public prosecutors should be addressed in order for them to remain current in their understanding of the law and its application in the courts. In some instances this education might be combined with current judges, but some material would not be appropriate for both groups to address together. Should the two groups meet together to receive new information or content that is needed by

both groups, there might be a need to then separate the groups for discussion and application.

E. Public Prosecutor Candidates

Those individuals who are interested in becoming prosecutors should be required to attend pre-appointment courses that address the skills and knowledge of the office and role of the public prosecutor. Successful completion of this course should be mandatory prior to appointment as a public prosecutor. As with the judicial candidates, a way to begin such education would be to organize seminars that give the candidates an opportunity to discuss and compare their experiences. Thus, their work becomes experience on which they can reflect, draw inferences and develop hypotheses and principles, and try out the new learning in simulated or practice sessions. Hopefully, their experiences become more meaningful and they learn from each other.

Another suggestion is that experienced public prosecutors be assigned to the candidates as mentors. Training would be provided for the mentors and they would be encouraged to meet with their candidate public prosecutors on a regular basis. They might also be included in some of the seminars so as to hear how their candidates are making meaning of their experience. As part of a needs assessment the public prosecutors might be asked if they were interested in being a mentor, and whether they would be willing to attend a training program for mentors. Alternately, public prosecutors might be asked to nominate individuals whom they see as potential mentors based upon criteria developed by the NCCE. Again, the mentors would be required to attend training before they would be assigned a candidate.

Public Prosecutor candidates should begin their training after they have successfully passed the bar examination. Those who have completed their five years experience after passing the bar should be given a limited period of time to seek appointment as a public prosecutor without having to attend the pre-appointment educational program.

II. Faculty Development

Faculty members who wish to teach in the NCCE will be required to attend professional development courses dealing with pedagogical principles and strategies for teaching as well as characteristics of adult learners. These courses should be on-going and required on a continuous basis for both permanent teaching staff as well as external local faculty.

Experienced judges and public prosecutors often have very valuable experience to share, but they are not familiar with teaching methods that acknowledge characteristics of adult learners. Providing them with faculty development not

only ensures better teaching on their part, but can also assist them in their own growth.

Faculty development courses would also be designed to assist presenters in the selection and preparation of materials, skills in leading a group discussion or setting up small group exercises, designing exercises to accomplish learning objectives and other techniques for managing a class. A major emphasis would be on identifying teaching and learning objectives, especially stressing what the learner is expected to know or do when the course is finished.

As mentioned above, many of the experienced judges, especially in the Basic Court, have an interest in teaching other judges, as shown in the needs assessment. Participation in and successful completion of a faculty development course would give the staff of the NCCE the knowledge of who would make a good presenter and who would not.

In addition to experienced judges and public prosecutors, faculty might be selected from senior executives, administrators, and staff members. The same faculty development course would be required prior to their teaching.

III. Administrative Training

Administrative training should be developed as soon as the NCCE is established. Money is currently available to address this area in order to provide training and education for court executives, administrators and staff. Case management and court management skills are essential areas of expertise if the court is to run smoothly and efficiently. Secretaries, clerks, and other staff can benefit from training in how to do their jobs.

More important is the fact that the public perception of the quality of justice often rests with the quality of service provided by front line personnel in the justice community. Hopefully, as the personnel has a better understanding of the role of the courts in society as well as their specific role as public servants, they will be more responsive to the problems that the public presents to the courts.

IV. Program Content

A second area of extreme importance is the program content: intellectual and academic content, judicial and administrative skills, personal authenticity, and personal health and growth. Behind this is the assumption that as individuals age and move through the life cycle their motivation and developmental needs change. Judicial branch education, through the content of its programs, can play a vital role in ensuring that the learners do not stagnate, but continue to be alive and committed to their role as public servants. These program content areas will be applied differently to different audiences, depending on the needs of the group, but all of the areas should be addressed to some degree. All educational efforts

should be framed against the background of Court Performance Standards such as:

- Access to justice
- Expedition and timeliness
- Equality, fairness and integrity
- Independence and accountability
- Public trust and confidence

A. Intellectual and Academic Content

The intellectual and academic content of the program will be determined to a large extent by the composition of the audience. For all groups, current judges and public prosecutors as well as candidate judges and prosecutors, there should be appropriate information or knowledge related to their role in the courts. This may be legislative developments, court rulings, substantive law, emerging scientific developments, or societal problems or issues.

B. Judicial and Administrative Skills

Central to the development of judges or public prosecutors is the development of new skills, both procedural and administrative. Technology has imposed a major need in this area, as has internationalization. Judicial writing, decision-making, management skills and court operations might be appropriate skills topics to address with various audience groups. This is not an area that can be offered once and forgotten, but must be repeated for current judges and public prosecutors as new developments arise and as individuals develop a “new way of thinking” about these issues.

C. Personal Authenticity

Ethics and legal philosophy should be taught for all groups. The teaching of ethics should go beyond knowledge of the code of conduct for specific groups and move toward introspection and reflection for a more personal conviction of what is ethical and what is not. Attitudes, bias, human rights, interethnic relations and other interpersonal behavior should be explored with all audience groups. The judge or prosecutor is first a person and the development of integrity is an essential part of the curriculum.

D. Personal Health and Growth

Each individual learner is faced with stress on the job and in his or her life. Courses that address physical and mental wellness, impairment as a result of alcohol or drug abuse, financial security and career development may provide avenues to promote more wholesome and more satisfied members of the judicial branch.

V. Teaching or Presentation Methods or Strategies

With a variety of learners who prefer different ways of learning, it is imperative that the instructors utilize a variety of teaching strategies to ensure that each learner has the opportunity to be taught in ways that are his or her preference and which will be supportive of that learner. At the same time, alternative teaching strategies will be used that will challenge the learner and increase his or her capabilities as a learner. In this way we are encouraging not only mastery of the content but also encouraging the learners to increase their repertoire of learning abilities and their complexity as thinkers.

Four categories of strategies offer teachers this variety, and the teacher can choose the ones that fit the content of the material. Faculty development would deal with these choices.

A. Direct Experience

Each learner approaches the learning opportunity from his or her own experience. Using this experience as a starting point, the teacher or presenter may use several strategies to capitalize on this experience, or the teacher may create a new experience for the learners. Some strategies and methods for accomplishing this are as follows:

- Recalling past experience
- Scripted role play
- Demonstrations
- Observation
- Case studies
- Films or videos
- Debates by “experts”
- Reenactments
- Interviews
- Self-tests
- Stories
- Guest speakers
- Photographs
- Simulations
- Field observation

B. Reflective Observation

Reflective observation activities encourage the learner to step back and look at the experience from different points of view. It encourages the learners to “talk to themselves,” and to take different points of view and debate them within their own thinking. Some examples of methods for accomplishing this are as follows:

Structured small group discussions
Journals
Reflective papers
Asking learners to formulate questions
Socratic dialogue
Asking learners how they react to a situation

C. Abstractive Conceptualization or Principles

The presentation or formulation of authoritative information is the main objective of this category. Research and specialized knowledge from the law and other disciplines offers the best sources of material for this category. It may be presented as follows:

Print (bench books, journal articles, texts, and other readings)
Authoritative guidelines (procedural rules, procedural steps, chronologies, checklists)
Laws or statutes
Lectures
Films
Quick reference guides
Forms, charts, documents, flowcharts

D. Active Experimentation or Application

Active experimentation or application offers the learners the opportunity to try out the principles or theories they have heard or seen as abstractions. Some strategies follow:

Role play
Individual or group projects
Video-taping of practice sessions
Hypothetical or "What if?" situations
Devising a plan of action
Problem solving activities
Debates by the learners

Syllabus Preparation

In each of these four areas, it is tempting for teachers/professors/facilitators to present too much material. As experts in their fields, they know far more than they can convey to the participants at one time or even over several days. Therefore, a major task for these individuals is to select, out of all that they know, what is most important to share with this group of learners at this time. The preparation of a syllabus will be a major part of faculty development.

VI. Delivery Systems

Many systems are available to the NCCE for delivery of courses and curricular material. Certainly formal classroom delivery is our most familiar and perhaps most comfortable venue. However, other avenues may prove to be more cost effective and efficient.

Conferences may provide an intense period of time to address a variety of topics. Audio and audio/visual libraries can provide materials that can be used at home, in the office or in the automobile. Regional meetings, colloquia or local study groups may be feasible if the centre can initiate and establish the group. Instances where a faculty member develops expertise in a topic may be called upon to deliver his or her material to a variety of locations around the country.

Print material such as bench books, texts, and journal articles is always available, and technology such as teleconferencing and computer/distance learning are proving effective for some materials, as are e-mail and FAX. The internet has incredible potential for disseminating material and information such as new legislation and international legal developments. Care must be taken, however, to provide adequate opportunities for the learners to “process” the material and share their perceptions with other learners. Only in this way does the new material take on meaning in the life of the learner.

This raises the question of what should we do when we are together for a course. If access to information is available in offices or homes via electronic technology, are there better ways to use our time when we are together than listening to a lecture? Can we use that time in discussions, exchanging ideas and reactions to new developments, or developing action plans for dealing with the new information?

Education of judges, public prosecutors and court staff can be enhanced by visiting other courts, whether in Macedonia or neighboring countries. Always, the greatest potential for learning comes in the discussion of similarities and differences in the courts, and in the sharing of perspectives on the experience.

VII. Complex Thinking as Outcome

The desired outcome of judicial branch education is judges, public prosecutors, and other court personnel who are capable of thinking more complexly in order to deal with the complexities of the law and the courts.

They are capable of seeing below the surface of issues.
They have the capacity to remain open-minded.
They withhold judgment until all relevant material is in.
They are decisive and firm.

They engage continuously in reflection and self-assessment.
They are able to explain the reasoning they use.
They manage their workload efficiently.
They are aware that there is more than one side to a story.
They are aware that all information is never in.
They understand that they have to make a responsible decision.
They take seriously the teaching role of the court.
They are aware of legal principles and their professional training.
They are able to integrate what they have learned in the court with their life experience.
They possess self-confidence and a sense of competence, both tempered by humility.
They are open and empathic.
They can take the perspectives of others in the judicial process.
They possess integrity.
They honor the traditions and fundamental fairness for which the law strives.
They are aware of the formative role the courts play in the lives of people.
They are sensitive to issues of gender, race, age, disability and income.
They express care through their work.

More complex thinkers will also be more proficient in social skills such as influencing others, communicating, managing conflict, leadership, collaboration and cooperation. They will be more sophisticated in managing and expressing their emotions, more perceptual and capable of taking different perspectives, more analytical and logical, and they will have greater self-control and increased capacity for self-regulation. They will have the ability to acknowledge and cope with inner conflicts, to transcend polarities, and to see reality as complex and multifaceted.

This way of thinking about the outcome of education is transformative rather than informative. It involves changing the shape of the vessel rather than simply filling the vessel. It recognizes the role of education in the “doing” of one’s job as well as the “being” of the person. It has the potential of leading us to Einstein’s “new level of consciousness.”

VIII. Evaluation

A. Programs

Evaluation should be an integral part of the NCEE. An effort should be made to evaluate presenters concerning their knowledge about the subject, their preparation and organization, their explanation of concepts, their ability to hold the attention of the learners, their openness to questions, and their enthusiasm about teaching.

There should also be evaluation of the content as to whether it had substance, provided new insights, and was interesting. Efforts should also be made to determine whether any learning took place and whether the learner plans to do anything differently as a result of the educational activity. While “tests” or “examinations” on the content mastery are rarely used, it is possible to ask learners to list the most important things they learned, indicating a specific number if desired. That gives the instructor and the Centre an idea of how effective the session was. It also provides an excellent opportunity for the learner to reflect on his or her experience and recall the content.

B. Other Evaluations

Another type of evaluation deals with the staff, the centre and the centre’s finances. The staff is entitled to a yearly evaluation to assist in their personal development and growth. The evaluation process should be based on modern human resources practices.

The Centre should be evaluated yearly to see if it is meeting its goals and providing the services for which it is designed.

Financial audits should occur on a yearly basis and be consistent with business practices.

FINANCING THE NATIONAL CENTER FOR CONTINUOUS EDUCATION

I. Introduction

There are two primary systems for financing judicial training – decentralized and centralized.

In completely decentralized systems the money is allocated for training through court budgets. In the second system, resources for training are in the hands of one training organization and it determines how to use them and what kind of training to provide to judges. In some versions the training facility determines which individual judges participate in which training. The costs of training are covered by the central training facility.

The centralized training system has become, with some limitations, the system prevailing in many countries. The most significant modification to this centralized system is that judges decide in which training events they will participate from the program proposed by the training centre. Usually the training program is developed in close cooperation between the centre and representatives of the judiciary to ensure appropriate content. In such systems judges (and prosecutors if included) can participate in training free of charge. However, their court or organization covers transportation, lodging fees and daily allowances.

This last arrangement is particularly effective for small countries with limited resources.

Based on the following considerations, the experts recommend the establishment of a training system with one central professional training institution, The National Center for Continuous Education, and centralized funding.

Costs related to the establishment and operation of the training institute

Costs related to the establishment and operation of the training centre can be divided into three main parts:

- A. Initial investment
- B. Operational costs for the facility (including costs of the professional staff)
- C. Program implementation costs (Event Costs)

Based on these costs the most important figure for the planning of financing of a training institution is **the average price per training day of a participant.**

II. General Calculation of Costs

A. Initial Investment

Initial investment for a training centre is in broad terms composed of the following parts:

1. Office Space (R)

This investment can be calculated in different ways. One of the easiest is to use general market price for a square metre of office space multiplied by the necessary amount of space. This consists of two main parts – offices and seminar rooms. The basis for the necessary office space is the number of staff to be employed multiplied by the agreed minimum space necessary for one staff member. It is also necessary to take into account necessary space for other rooms (kitchen, corridors, toilet).

The utilization of existing state owned office space could substantially reduce the initial investment necessary to establish a training centre. If state owned office space could be located, the initial investment would be calculated using a much lower price per square meter for renovation of the existing space.

2. Initial investment for computers and computer related technology (CT)

This investment consists of computers and computer related technology with a standard amortization period of 4 years.

3. Initial investment for non-computer related event technology (ET)

This covers other technological supplies necessary for modern class and conference rooms.

4. Initial investment in furniture and other supplies (F)

Initial investment into the furniture and other supplies such as non technical equipment necessary for the Centre.

Summary of initial investments

Using previously described components the general formula for initial investment is as follows: $GIC = R + CT + ET + F$

GIC – general investment cost

R – rooms (space)

CT – computer technology

ET – event technology

F – furniture and other supplies

A complete set of formulas with examples is found in appendix F.

B. Operating Costs For The Judicial Training Centre On A Yearly Basis

It is possible to calculate the different parts of operating costs of the institute according to different models. For the purposes of clarity and transparency it will be suggested to calculate separately the general costs for the facility, personnel and for training events.

Using this separation helps to get an easy overview of the real costs and to organize a proper bookkeeping system.

1. General facility costs

Formula for calculation

$$\text{GFC} = \text{EL} + \text{WAC} + \text{M}$$

GFC – general facility cost

EL – electricity cost per year

WAC – water and canalisation per year

M – maintenance and cleaning per year

2. Cost related to personnel

Costs related to personnel includes salary, equipment, training, travel and communication. Sometimes the communication and equipment cost are calculated in general office cost but it is easier to do calculations on a per person basis of these costs because real cost necessary under these articles (especially communication) is not clear and is hardly observable. Also such a model provides a flexible and easily manageable basis for re-calculation in case of a change in the number of personnel.

C. Program Implementation Costs (Event Costs)

The costs for implementing the training program are the second most important type of costs for the Centre. For planning resources necessary for the implementation of the program it is important to establish a formula and calculate costs related directly with the training event. Costs for the training facility are primarily covered by the central budget and the costs related to the training event will not include costs for renting a training facility as a general rule.

But in case training facilities are rented, a part of the formula enables the user to take those costs into account in the calculation of the average cost for the training day. Also the profit margin and overhead cost of the Centre is not included as all general costs are covered directly. At the same time because of central financing, costs related with the participation are included in the formula. In real life these costs will possibly be covered from the budgets of the courts. The reason to include them in the formula is to make it possible to calculate overall training event costs and the cost of the training day per participant. It enables us to link the size of the training program and financial planning.

Average training cost per day of a participant

This figure helps to control the costs of the training. Previously done calculations form the basis for calculation of this indicator.

Summary

All calculations are basic and provide only a rough estimate of costs. At the same time they are sufficiently foolproof to estimate the amount necessary to create a training centre. Since the components of the formulas can be easily changed or a necessary component added they provide decisionmakers, without an accounting or economics background, a useful tool for initial calculations and control of the costs of the training center.

III. Sources Of Finances

As a rule money for a training centre comes from three main sources:

- A) National budget
- B) Donors
- C) Commercial activities

A. National Budget

Article 4 of the Court Budget Act mandates that 2% of the court budget be dedicated to the professional training of judges, state employees, court police and other court employees. Currently the sum is approximately 22.000.000MD.

This sum does not include funds for the training cost of the prosecutorial office. By adding the prosecutors share for training the sum allocated from the national budget will be increased.

It is important to clarify whether the participation costs (transportation, lodging and daily fees) will be covered from central training budget or from the budgets of the respective courts/organizations.

It is possible that the starting year operational costs of the institute will be lower since it may not be possible to hire all necessary staff immediately. This in turn will reduce the expenses for equipment.

As stated in the section on initial investment, if the national government is able to dedicate a state owned building or office space for use as a National Centre for Continuous Education, finances that would otherwise need to be used to cover the cost of office space could be redirected toward programming and staff costs.

B. Donors

There exists a number of international donors in Macedonia interested in supporting the creation of the judicial training centre. At this time, their support is directed at organizing costs. Therefore the possibility exists to reduce some event costs in the initial training. Though possibilities for initial investment support are rather limited they should be addressed by the government while meeting with donors.

Information received from a number of sources indicates that most donors will leave in the next 2-4 years. Their support should be considered temporary and concrete plans must be in place to replace their aid with national resources.

C. Commercial Activities

According to the experts' understanding there is the possibility that the Centre will organize commercial training events. Taking into account the lack of training for lawyers after graduation from the university it may be possible for the Centre to organize profitable demand-based courses for lawyers groups.

At the same time such activities should be kept under strict control to avoid damaging the Centre's primary activities.

CONCLUSIONS

Effective training for judges, judicial candidates, public prosecutors and court executives and administrators is essential to the development of a legitimate and efficient judiciary in Macedonia. Education is the most direct way to enhance the capacity of the judiciary to provide impartial, competent and efficient adjudication. A publicly funded education centre offering well-designed trainings will not only increase judges' and public prosecutors' core adjudicative skills, it will also contribute to the creation of a judicial system that is more responsive and accountable to the citizens of Macedonia.

A well educated and highly developed judiciary is essential for the continued development of Macedonia. Looking forward to EU membership, special emphasis must be placed on the development of the Rule of Law. As Macedonia moves toward a more democratic government and a more independent judiciary, education for judges, prosecutors and other court personnel is essential. Closely aligned with this is the internationalization that is occurring. As nations and government become more interdependent and collaborative, court operations will need to be standardized: necessitating a greater understanding of the law of other countries.

The current situation in Macedonia for establishing an independent judicial training centre is good. The need for such a centre is clear and the foundation for its creation and sustainability has been laid with the passage of the Law of the Courts and the Law on the Court Budget. Conditioned on certain proposed guarantees for sustainability, foreign donors appear ready to support the government's efforts in the initial phase of development. In addition, at present, there are a considerable number of foreign experts prepared to help guide the institution in its first years of existence.

The Centre should be centrally located in Skopje with two other regional offices to help implement the centrally designed program. The Centre must be independent from executive and legislative powers and draw at least half of its board membership from among judges. If the CCE will form the basis for the new institution, there is an urgent need to restructure it from a course organizing institution into a strategy planning and programming institution.

Important policy decisions which need to be made immediately include a determination of the legal status of the Centre, the governance structure, training requirements, and the method to be used to select and evaluate candidates.

The Centre's immediate goals should include the development of an education strategy for the next five years, the design of the pre-appointment education program and format, and the development of a competent and well trained faculty.

The training program should extend beyond technical legal training to include social and cultural knowledge.

The curricula should include appropriate courses for current judges, new judges, judicial candidates, court executives and administrators. It is also possible that it will be necessary to provide education for prosecutors and candidates for the public prosecutor's office.

Preparation of training program and strategy should start immediately and should be focused on new legislation. Also, an initial plan for preparation of skills and behavioral training courses should be created and their part in the training program determined. At a minimum, an effective judicial training program should address topics and skills that will help ensure that judges, court staff, and public prosecutors are adequately trained to meet the challenges that administering an autonomous and profession branch entail.

However, the most decisive factor in ensuring a successful training program for the judicial branch is stable and sufficient funding. Inadequate funding – the most direct reflection of weak political commitment – makes strategic planning, institutionalization, and the development of a professional judiciary very difficult.

Rather than relying on uncertain external sources, the State should develop funding mechanism such as multi-year block grants, or legislative commitments to prescribed funding levels based on clear standards with a rational relationship to the intended scope of training. It should be stressed that the Centre will need to be properly equipped, staffed, and funded in order to perform its role and achieve the above mentioned goals.

This is a necessary and fundamental precondition, which presupposes a credible commitment at the political level. Support of the Centre will need to go beyond promises.

APPENDIX A

CURRICULUM VITAE

PATRICIA JANE HILLMAN MURRELL

EDUCATION

Doctor of Education, The University of Mississippi, University, Mississippi, 1968
Major: Student Personnel Services in Higher Education
Dissertation: "The Influences on Academic Performance of a Summer Pre-College Counseling Program for Entering Freshmen at the University of Mississippi."

Master of Education, The University of Mississippi, University, Mississippi, 1965
Major: Guidance and Counseling

Bachelor of Arts, Millsaps College, Jackson, Mississippi, 1956
Majors: Religion and Elementary Education

Additional work at the University of Southern Mississippi, American University and Memphis State University

PROFESSIONAL EXPERIENCE

Director, Center for the Study of Higher Education, and Program Director, Interdisciplinary Doctoral Program in Higher Education, The University of Memphis, Memphis, Tennessee, 1988-1993. Professor, Department of Leadership, 1993-present, Director, Leadership Institute in Judicial Education, 1995-present, Director, Institute for Faculty Excellence in Judicial Education, 2002-present, coordinator of Higher and Adult Education Doctoral Program, July, 2000-present.

Fall semester, 1993, Professional Development Assignment. Four weeks in Central and Eastern Europe. Visited Bucharest, Romania; Kiev, Ukraine, Budapest, Hungary; Prague, Czech Republic; Kassel and Berlin, West Germany; spent three weeks in Chisinau, Moldova, Director, Institute for Faculty Excellence in Judicial Education, July, 2001-present.

I. PUBLICATIONS

Refereed National Journals

Gould, P. & Murrell, P. (2002) Therapeutic jurisprudence and cognitive complexity: An overview. *Fordham Urban Law Journal*, (29), 5. New York: Fordham University School of Law.

Murrell, P. (2002) Continuing judicial education: Cognitive development as content, process and outcome. Accepted by *Journal of Adult Development*.

Lubiani, N. & Murrell, P. (2001). Courting justice with the heart: The role of emotional intelligence in the courtroom. *The Court Review*, (38), 1, 10-16.

Murrell, P. & Carpenter, W. (1998). Values and ethics: Using literature and human development in judicial education. *The Judges Journal*, Spring 1999, 38(2).

Murrell, P. (2000). Experiential learning and learning styles: A model for continuing legal education. *The CLE Journal*, 2(2), 5-16.

Monographs and Published Reports

Murrell, P. (1996). Ages, stages, and styles: Implications for judicial education. In K. Johns (Ed.), *On faculty excellence in judicial education*. Reno, NV: The National Association for Juvenile and Family Court Judges.

Claxton, C., & Murrell, P. (1992). *Education for development: Principles and practices in judicial education*. The Judicial Education Reference, Information and Technical Transfer Project, 560 Baker Hall, East Lansing, MI 48824-1118.

Non-Referred Journals

Murrell, P. (1999). Dear judge. *The National Judicial College Alumni Magazine*.

International Papers Presented (refereed)

Story, K. & Murrell, P. (2003). "The Role of Continuing Legal and Judicial Education in Therapeutic Jurisprudence: Promoting Justice Through Professional Development." Accepted for the International, Interdisciplinary Conference on Psychology and the Law, Edinburgh, Scotland.

National Papers Presented (refereed)

"Continuing Judicial Education: Cognitive Development as Content, Process and Outcome." The Perry Network Conference, California State University, Fullerton, CA. January, 2002.

“Therapeutic Jurisprudence and Highly Developed Jurists: An Overview.” Fordham University Symposium on Problem-Solving Courts, New York, NY, 2002.

“The Court Professional of the Future: Role and Soul.” National Symposium on the Future of Judicial Branch Education, St. Louis, MO, 1999.

“Roots and Wings.” Keynote address at the National Association of State Judicial Educators, St. Louis, MO, 1999.

“How Judges Learn: Formulating Effective Sanctions.” Association for Judicial Disciplinary Counsel, San Francisco, CA.

“Learning Styles and Continuing Legal Education.” National Association for Bar Executives, Boston, MA.

“The Profile of the Court Professional of the Future: Role and Soul.” National Symposium on the Future of Judicial Branch Education. St. Louis, MO.

II. JUDICIAL EDUCATION CONSULTATIONS AND PRESENTATIONS

Oklahoma Supreme Court, Oklahoma City, OK
California Center for Judicial Education and Research, Oakland, CA
National Judicial College, Reno, NV
New York State Court System, Saratoga Spring, NY
Maine Supreme Court, Portland, ME
Idaho Supreme Court, Boise, ID
NOW Legal Defense Fund’s National Judicial Education Program, New York, NY
National Council of Juvenile and Family Court Judges, Reno, NV
Florida Court Education Council Tampa, FL
Hawaii Supreme Court, Honolulu, HI
Kansas Supreme Court, Kansas City, KS
Alaska Judicial Education Council, Anchorage, AK
Missouri Supreme Court, Jefferson City, MO
Vermont Supreme Court, Montpelier, VT
Arizona Court of Appeals, Phoenix, AZ
Judicial College of Arizona Board, Phoenix, AZ
Alabama Judicial Education committee, Tuscaloosa, AL
Michigan Judicial Institute, Lansing, MI
Board of Trial Court Educators, Seattle, WA
Tennessee Judicial Education Conference, Supreme Court of Tennessee, Nashville, TN
New Hampshire Judicial Education Committee, Concord, NH

Supreme Court of Kentucky, Lake Malone, KY
Public Law Institute, Center for Judicial Education, Santa Fe, NM
Federal Judicial Center, Washington, DC
Conference of Chief Justices and Court Administrators, Philadelphia, PA
National Association for Court Management, San Diego, CA
Blue Ridge Institute for Southern Juvenile and Family Court Judges, Blue Ridge, NC
National Association of Bar Executives, Boston, MA
Association for Judicial Disciplinary Counsel, San Francisco, CA
National Association for Women Judges, Memphis, TN
Institute for Court Management, National Center for State Courts, Williamsburg, VA
American Judicature Society
Council of Chief Judges Annual Meeting, Seattle, WA
Drug Courts Program Office, Office of Justice Programs, U.S. Department of Justice
The Association for Continuing Legal Education, Montreal, Canada
The National Association for Legal Placement's Professional Development Institute, Washington, DC
The Professional Development Consortium, New Orleans, LA
American Bar Association, Judicial Division, Seattle, WA

III. PROFESSIONAL RECOGNITION

Editorships:

Fifty Women Who Make a Difference, Women's News of the Mid-South, 1998

Advisory Board, Institute for Court Management, National Center for State Courts, Williamsburg, VA

National awards:

Harrison Tweed Special Merit Award, ALI-ABA, August, 2001

Howell Heflin Award, State Justice Institute, 1999

Warren Burger Award, National Center for State Courts, 2000

Fellow, The Society for Values in Higher Education

State award:

Tennessee Board of Regents' Excellence and Quality Award

IV. RESEARCH EFFORTS

Leadership Institute in Judicial Education. Work in the area of learning and adult development has resulted in funding from the State Justice Institute for two years (1995-96), continued for two additional years (1997-98), continued for an additional two years (1999-2000), and continued for an additional three years

(2001-2003). The Institute works with teams of state judges and judicial educators to plan and implement more effective continuing professional education for judges and other court personnel. The teams come to Memphis in the spring for a six-day conference, leaving with an action plan for their state. In the fall, they are expected to plan an On-Site Institute in their state, to be conducted by me, where they will bring together a group of judges who are responsible for judicial education in that state. That, too, concludes with an action plan for implementing “education for development.” Finally, the following summer, an Advanced Leadership Institute is held in Memphis to reiterate theory and to report on developments in each state.

Institute for Faculty Excellence in Judicial Education. The Center has been awarded a second grant from the State Justice Institute to fund an institute for faculty development. This program is being transferred to The University of Memphis from the National Council for Juvenile and Family Court Judges. The funding was effective July 1, 2001, and continues for two years.

Education For Development (Preventing Violence Against Women). The National Association of Women Judges (NAWJ) in conjunction with the Leadership Institute of the University of Memphis received a one-year grant to provide “Education for Development” for recipients of Violence Against Women Grants Office funds for technical assistance and training.

The purpose of the grant was to create more effective education and training programs for the prevention of violence against women by providing participants with knowledge of how adults learn and develop and the implications that has for education, for the operation of the criminal justice system, and for intervention and response to domestic violence. With this knowledge, leaders from individual organizations may work together to develop more comprehensive, coordinated and integrated approaches and responses to the problem of violence against women. It was the aim of the program to encourage new, creative and informed ways of thinking about educating adults that will assist individuals in developing strategies specific to the needs and realities of their organization’s education and technical assistance programs. The ultimate vision is a more equitable system of justice in which women who are victims of sexual assault, stalking and domestic violence feel confident that all professionals are committed to their safety and the safety of their children. We believe that education provides the best leadership strategy for accomplishing this systemic change.

Leadership Institute for Albanian Professors Through a sub-contract with the United States Agency for International Development (USAID) the Center provided a seven-day adaptation of the Leadership Institute for visiting professors from the School of Magistrates in Tirana, Albania.

Learning Styles and Adult Development I have co-authored one book on this topic, as well as several articles. Chuck Claxton and I have introduced this work in the field of judicial education, working with judges and other court personnel,

and co-authoring a monograph specifically for this audience. In addition to the judiciary, my work on experiential learning and learning styles spans undergraduate and graduate education, continuing legal education, corporate education and training, management development and non-profit organizations. I have recently authored a chapter for a monograph on this topic.

V. PROFESSIONAL AFFILIATIONS

Society for Values in Higher Education

National Association for State Judicial Educators

CURRICULUM VITAE

1. Family Name: Liiv
2. First Name: Daimar
3. Date of Birth: August 18, 1966
4. Nationality: Estonian
5. Civil Status: Married
6. Education

<i>Institution</i>	University of Tartu
<i>Date: from (month/year) to (month/year)</i>	1998
<i>Degree(s) or Diploma(s) obtained:</i>	BA Law
<i>Institution</i>	Harvard School of Law
<i>Date: from (month/year) to (month/year)</i>	2000
<i>Degree(s) or Diploma(s) obtained:</i>	LLM
<i>Institution</i>	University of Tartu
<i>Date: from (month/year) to (month/year)</i>	PhD student since 2000
<i>Degree(s) or Diploma(s) obtained:</i>	

7. Language skills: (Mark 1 to 5 for competence)

PRIVATE Language	Reading	Speaking	Writing
Ukrainian			
Russian	5	5	4
English	5	5	4

German			
French			

8. Membership of professional bodies:

Estonian Academic Law Society, Member of the Board

9. Other skills: (e.g. Computer literacy etc.) Main computer office software etc.

10. Present position: Estonian Law Centre Foundation, Director, 2002

11. Years within the firm: 2

12. Key qualifications:

Lawyer

13. Specific Eastern Countries experience

Chairman of the Editorial and Legal Committees of the Baltic Assamblee 1993-1999, Estonian representative in the Multidisciplinary Anticorruption Group, Council of Europe, 1995-1997

14. Professional Experience Record:

<i>Country</i>	<i>Date: from (month/year) to (month/year)</i>
Estonia	Center for Policy Studies PRAXIS, Program Manager, 2001
Estonia	Estonian Law Center, Counsellor, 2001
United States of America	International Center for Not-for-Profit Law, Washington, D.C., Senior Fellow, 2000
Estonia	Member of Riigikogu (Estonian Parliament), 1992-99; Vice-Chairman of Legal Committee (1994-99); Chairman of Legal Committee (1994-99); a member of the Riigikogu <i>ad hoc</i> Committee on the Supervision of the Lawfulness of the Activities and Investigation Operations of the National Security Police (1995-99).
Estonia	Ministry of Justice, Department of International Law, Specialist, 1992

15. Others: Awards and Grants

SCOUT part-time teaching grant 2003 (Administration of the public property and public procurement)
Estonian Law Center grant for the elaboration of the system and strategy for judicial training, 2001
EuroFaculty teaching grant 2001
International Center of Not-for-Profit Law Fellowship, 2000
Edmund S. Muskie Fellowship, 1999-2000
Harvard Law School Fellowship, 1999-2000
Open Estonia Foundation scholarships, 1995, 1997, 1998, 1999

16. Main publications:

Independence of courts and the limits thereof in reality (co-author Margus Sarapuu), Judicial independence and effectiveness of judicial system in Estonia, Tallinn, 2002
Cooperation agreements between public authorities and third sector: new developments and new approaches, in Civil society: familiar and unknown. Tallinn 2003
Estonia Country Report: Not-for-Profit Law Washington D.C.: ICNL. Forthcoming.
New technologies in Public Administration, Riigikogu Toimetised 4/2001, (in Estonian).
Compacts between the Government And Third Sector in Great Britain and What Can We Learn From Them, Riigikogu Toimetised, 3/2001, (in Estonian).
Role of Riigikogu in the Formation of the Legal System, Juridica 4/1998 (in Estonian).
Commentaries to Foundations Act. Tallinn: Estonian Foundations Center, 1996. (in Estonian).
Commentaries to Non-Profit Organizations Act. Tallinn: The Network of Estonian Non-Profit Organizations, 1995. (in Estonian).
Public Regulations of the Right to Acquire Private Property in the Republic of Estonia, Property Rights: Constitutional Protection and Public Regulation, The Norwegian Academy of Science and Letters, 1994

CURRICULUM VITAE

1. **Family name** Broekhoven, P.W.M.
2. **First name** Paul
3. **Date of birth** 9 September 1940
4. **Nationality** Dutch
5. **Civil status** Married
6. **Education**

<i>Institution (Date from – date to)</i>	Degrees of Diplomas obtained
University of Leiden, 1959-1965	Law degree

7. **Language skills** Indicate competence on a scale 1 to 5 (Mark 1–excellent; 5-basic)

<i>Language</i>	<i>Reading</i>	<i>Speaking</i>	<i>Writing</i>
Dutch	1	1	1
English	1	1	1
German	1	2	2
French	1	2	2

8. Membership of professional bodies:

- Netherlands Association for the Judiciary (1985-1991 member of the board)
- SSR Training and Study Centre for the Judiciary (1988-1994, member of the board)
- International Association of Judges (Dutch delegate since 1990; vice-president to the Presidency Committee 1996 – 2001)
- Member, Advisory Board to the European Legal Academy, Trier, Germany; 1991 – present
- Member of the working group on education for judges in Europe; European Legal Academy; since August 2001

9. Other skills:

10. Present position:

Key expert EU program “Reinforcement of the Rule of Law” (see above)
Executed at the Center for International Legal Cooperation (CILC), Leiden
Utrecht District Court, President (granted special leave since 1998)

11. Years within the firm: 32 years in the judiciary, 2 years for CILC

12. Key qualifications (Relevant to the project)

Mr. Broekhoven has been involved in various programmes of the Council of Europe, the EU, and the Dutch Government in establishing and improving an independent and competent judiciary to ensure democracy and respect for human rights and the rule of law. Expert in:

- Development of training policy and programmes
- Development of Train the trainers programmes
- Assistance to non-EU countries in the field of training and court management
- Assistance to non-EU countries in the field of judicial independence

13. Specific experience in the region

<i>Country</i>	<i>Date from – date to</i>
Russia, Ukraine, Hungary, Slovak Republic, Moldova, Mongolia, Kyrgyzstan, Kazakhstan	1992-1998
Member states of Council of Europe	1998-1999
Central European Accession Countries	2000-2002
Ukraine	2000-2002
China	2002

14. Professional experience record

<i>Date from –</i>	<i>Location</i>	<i>Company</i>	<i>Position</i>	<i>Description</i>
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<i>date to</i>				
2000-present	Leiden	CILC	Key expert	<p>Key expert in the Horizontal Phare Programme “Reinforcement of the Rule of Law”</p> <p>The programme aims at assisting the ten candidate members to the EU in strengthening the Rule of Law, thereby focussing on 4 topics: An Independent Judiciary; Status and Role of the Public Prosecutor; Court Procedures and Execution of Judgements; Safety of Victims, Witnesses, Judges, Prosecutors, Defense Lawyers and Jurors.</p> <p>Activities consist of:</p> <p>1) Drafting of reports and recommendations;</p> <p>2) Implementation of a capacity building program emanating from the country reports.</p>
1995-present	Utrecht	Utrecht District Court	President	(granted special leave)
1998-2000	Zutphen	SSR Training and Study Centre for the Judiciary	Director	Development of training policy and programmes; Supervision over trainees for the judiciary.
1987-1995	Maastricht	Maastricht District Court	President	
1978-1987	Rotterdam	Rotterdam District Court	Judge, Vice-President	
1974-1978	Netherlands Antilles	Court of Justice of the Netherlands Antilles	Judge	
1970-1974	Netherlands Antilles	Public Prosecution Service and Court of Justice	Public prosecutor/ Deputy judge	

15. Other relevant information (e.g. Publications):

APPENDIX B

Feasibility Study Team Interviews

The Feasibility Study Team members interviewed 38 Legal Professionals during their visit to Macedonia from June 21 to June 24, 2004.

Date and Time	Representatives/ Organizations
June 21 10:00-11:30	George Jovanovski – Acting Director Council of Europe COE
June 21 12:00-14:30	Bojan Eftimov - President Judge at the Basic Court Skopje II – Skopje, Aleksandar Miladenovski – Deputy President Judge, Jani Nica – Judge, Chief of the Criminal Department, Zlatko Lini – Judge
June 21 14:30-15:30	Victor Ullom – Head of the Rule of Law Department – Organization for Security and Cooperation in Europe (OSCE)
June 21 17:00-19:15	Filimena Manevska - President Judge at the Appellate Court Skopje, Veli Vedat – Judge at the Appellate Court Skopje, Ruska Paparova – Judge at the Appellate Court Stip, Olga Bosevska – Judge at the Appellate Court Bitola, Kice Jizevski – President Judge at the Appellate Court Bitola
June 22 9:30-10:50	PhD. Fidanco Stoev , Ret. Supreme Court Judge MJA and CCE Board member
June 22 11:15-12:45	PhD. Zanina Kirovska , Director of the Administrative Office of the Courts Supreme Court of Macedonia

June 22 14:00-16:30	Law clerks and legal interns from Basic Court Skopje II – Skopje Sande Zikov , Secretary of the Court, Goko Ristov , Elizabeta Vaskova , Elizabeta Nastov , Valentina Buslimovska , Monika Popovska , and Lidija Trajkovska
June 22 17:00-19:00	Vera Koco , Judge at the Supreme Court and the President of the CCE Board
June 23 9:00-11:00	Sterjo Zikov , Chief Basic Public Prosecutor for Skopje and Coordinator for the CCE activities
June 23 11:30-14:30	Agim Miftari , Supreme Court Judge and the President of the MJA, Dragan Tumanovski , Supreme Court Judge, Tanja Temelkovska , CCE Executive Director, Sandra Buzlieva , CCE Deputy Director
June 23 15:30-16:30	Barbara Carlin , and Kristina Karanakovska – US Embassy, Overseas Prosecutorial Development, Assistance and Training (OPDAT Program)
June 23 17:00-18:30	Angelco Videvski , President of the Basic Court Prilep, Boro Tasevski , President of the Basic Court Skopje I, Skopje Dzemajli Arifi , President of the Basic Court Tetovo
June 24 9:30-11:00	Lence Sofronievska , President of the Republic Judicial Council (RJC)
June 24 12:00-13:30	Dragi Celevski , State Advisor at the Ministry of Justice
June 24 16:00-17:30	Valentina Saurek , General Secretariat of the Government of Macedonia Jasmina Dimitrova , OSCE
June 25 9:00-10:30	Marilyn Zelin , Director – ABA/CEELI
June 25 11:00-13:00	Gerassimos Furlanos , Program Manager of the European Agency for Reconstruction (EAR)

APPENDIX C

Applicable Laws and Regulations

List of Laws and Regulations concerning Judicial Branch education in Macedonia

Laws and Regulations	Specific Articles
The Constitution of Macedonia	<p>4. The Judiciary</p> <p>Article 98</p> <p>Judiciary power is exercised by courts. Courts are autonomous and independent. Courts judge on the basis of the Constitution and laws and international agreements ratified in accordance with the Constitution. There is one form of organization for the judiciary. Emergency courts are prohibited. The types of courts, their spheres of competence, their establishment, abrogation, organization and composition, as well as the procedure they follow are regulated by a law adopted by a majority vote of two-thirds of the total number of Representatives.</p> <p>Article 99</p> <p>A judge is elected without restriction of his/her term of office. A judge cannot be transferred against his/her will. A judge is discharged:</p> <ul style="list-style-type: none">- if he/she so requests;- if he/she permanently loses the capability of carrying out a

	<p>judge's office, which is determined by the Republican Judicial Council;</p> <ul style="list-style-type: none"> - if he/she fulfils the conditions for retirement; - if he/she is sentenced for a criminal offence to a prison term of a minimum of six months; - owing to a serious disciplinary offence defined in law, making him/her unsuitable to perform a judge's office as decided by the Republican Judicial Council; and - owing to unprofessional and unethical performance of a judge's office, as decided by the Republican Judicial Council in a procedure regulated by law. <p style="text-align: center;">Article 100</p> <p>Judges are granted immunity. The Assembly decides on the immunity of judges. The performance of a judge's office is incompatible with other public office, profession or membership in a political party. Political organization and activity in the judiciary is prohibited.</p> <p style="text-align: center;">Article 101</p> <p>The Supreme Court of Macedonia is the highest court in the Republic, providing uniformity in the implementation of the laws by the courts.</p> <p style="text-align: center;">Article 102</p> <p>Court hearings and the passing of verdicts are public. The public can be excluded in cases determined by law.</p> <p style="text-align: center;">Article 103</p> <p>The court tries cases in council. The law determined cases in which a judge can sit alone. Jury judges take part in a trial in cases determined by law. Jury judges cannot be held answerable for their opinions and decisions concerning their verdict.</p> <p style="text-align: center;">Article 104</p> <p>The Republican Judicial Council is composed of seven</p>
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members.

The Assembly elects the members of the Council.

The members of the Council are elected from the ranks of outstanding members of the legal profession for a term of six years with the right to one reelection.

Members of the Republican Judicial Council are granted immunity. The Assembly decides on their immunity.

The office of a member of the Republican Judicial Council is incompatible with the performance of other public offices, professions or membership in political parties.

Article 105

The Republican Judicial Council:

- proposes to the Assembly the election and discharge of judges and determines proposals for the discharge of a judge's office in cases laid down in the Constitution;

- decides on the disciplinary answerability of judges;

- assesses the competence and ethics of judges in the performance of their office; and

- proposes two judges to sit on the Constitutional Court of Macedonia.

5. The Public Prosecutor's Office

Article 106

The Public Prosecutor's Office is a single and autonomous state body carrying out legal measures against persons who have committed criminal and other offences determined by law; it also performs other duties determined by law.

The Public Prosecutor's Office carries out its duties on the basis of and within the framework of the Constitution and law.

The Public Prosecutor is appointed by the Assembly for a term of six years and is discharged by the Assembly.

Article 107

The Public Prosecutor is granted immunity.

The Assembly decides on his/her immunity.

The office of the Public Prosecutor is incompatible with the performance of any other public office, profession or

	membership in a political party.
The Law on Courts	<p style="text-align: center;">Article 43</p> <p>For a judge may be elected a citizen of Macedonia, who fulfills the common conditions established by the law of employment in a body of the state administration who is a law graduate with passed judiciary examination, and with a respected reputation for discharging the judicial office.</p> <p>For a judge in a court of first instance besides conditions under paragraph 1 of this Article, the candidate must have over five years working experience with confirmed positive results in law after passing the judiciary examination and for a judge in a court of Appeal – over nine years.</p> <p>For a judge in the Supreme Court of Macedonia, besides conditions under paragraph 1 of this Article, the candidate must be a distinguished law expert and must have over 12 years working experience with confirmed positive results in law.</p> <p>For a judge in the Supreme Court of Macedonia may be elected a Full or Associate Professor who has taught over ten years a law subject connected with judicial practice.</p> <p style="text-align: center;">Article 49</p> <p>Judges may establish associations in order to accomplish their interests, promote professional training, and protect the independence and autonomy of the judicial office.</p> <p style="text-align: center;">Article 51</p> <p>A judge has a right and obligation to a continuous</p>

professional training during his/her term of judicial office.

From the provisions for funds it is compulsory that provisions are set aside for the professional training of judges.

Article 76

The affairs of the judicial administration are exercised by the Ministry of Justice.

For the performance of the affairs of the judicial administration, the Ministry of Justice contacts the Chairman of the court concerned.

Article 77

Within the sphere of competence of the judicial administration are: ensuring of general conditions for exercising the judicial power, and especially preparation of laws and other regulations from the field of the organization and work of the courts and the procedure before the same, the establishment of Rules of Procedure, taking care of the education and professional training of the personnel, the provision of material, financial, social and other conditions for the work of the courts, exercising the duties of international legal assistance, execution of the sentences pronounced for penalty liable deeds, gathering of statistical and other data for the work of the courts, examination of the petitions and complaints by citizens on the work of the courts referring to the delay of the court procedure or to the work of the court services supervision over the regular performance of the duties in a court and realization of the Rules of Procedure, supervision over the realization of the regulations of court deposits and guarantees, as well as other

	administrative duties and affairs determines by law.
Law on the Court Budget	<p style="text-align: center;">Article 4</p> <p>A part of the funds designated as "Judicial Power" within the Budget of Macedonia is fixed in the total amount in compliance with the criteria set forth by the Court Budget Council, based on the fiscal policy and main categories for evaluated incomes and outcomes.</p> <p>The funds from the "Judicial Power" are allocated to the courts by the Court Budget Council.</p> <p>While allocating the funds from section 2 of this Article, at least 2% shall be mandatory deducted for the professional training of judges, state employees, court police and other court employees.</p>
Law on the Public Prosecutors	<p style="text-align: center;">Article 34</p> <p>(1) Conditions required for the positions of the General Public Prosecutor of Macedonia, of a Higher and a Basic Public Prosecutor and of a Deputy Public Prosecutor are that the interested candidate is a national of Macedonia that fulfills the general conditions set in the law on getting an employment with a state organ, who has a bachelor degree in law and has passed the bar exam and who has the respectability to exercise the function of a Public Prosecutor.</p> <p>(2) Beside the conditions set in paragraph 1 of this Article a candidate for the position of a Deputy Public Prosecutor in the Basic Public Prosecutors Office, should also have relevant experience and recognized results in his work after passing the bar exam for a period of more than 5 years and for a period of more than 9 years for the positions of a Deputy Public Prosecutor in a Higher Public Prosecutors Office.</p> <p>(3) A candidate for the position of the General Public Prosecutor of Macedonia and a candidate for the position of a Deputy General Public Prosecutor of Macedonia, beside the conditions set in paragraph 1 of this Article, the candidate should have a working experience and recognized results working on legal</p>

	<p>issues for a period of more than 12 years.</p> <p>(4) For General Public Prosecutor Macedonia also can be appointed a regular or associated law professor who has lectured legal subject in continuous duration of minimum 10 years as a professor or other teaching function.</p> <p>(5) Public Prosecutor at the Higher and Basic Public Prosecutor's Office is nominated from the row of Deputy Public Prosecutors in the same or other Public Prosecutor's Office.</p> <p>(6) If the Public Prosecutor is not reappointed, he shall continue to perform the duties of the Deputy Public Prosecutor in the same Public Prosecutor's Office.</p>
The stabilization and Association Agreement	<p>Titles VI - Approximation of Laws and law enforcement</p> <p>Titles VII - Justice and Home Affairs</p> <p style="text-align: center;">Article 74</p> <p>In their co-operation in justice and home affairs the Parties will attach particular importance of the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the machinery of justice in particular. This includes the consolidation of the rule of law. Co-operation in the field of justice will focus in particular on the independence of the judiciary, the improvement of its effectiveness and the training of the legal professions.</p>
By Laws of the Macedonian Judges Association	<p style="text-align: center;">Article 4</p> <p>MJA shall be aimed at the following objectives and tasks:</p> <ul style="list-style-type: none"> - enhancing and improving the stature of the judiciary in Macedonia; - supporting proper implementation and observance of the constitutionality and legality in Macedonia, as well as the rule of law; - strengthening the independence of judges, and independence of the judiciary as a whole;

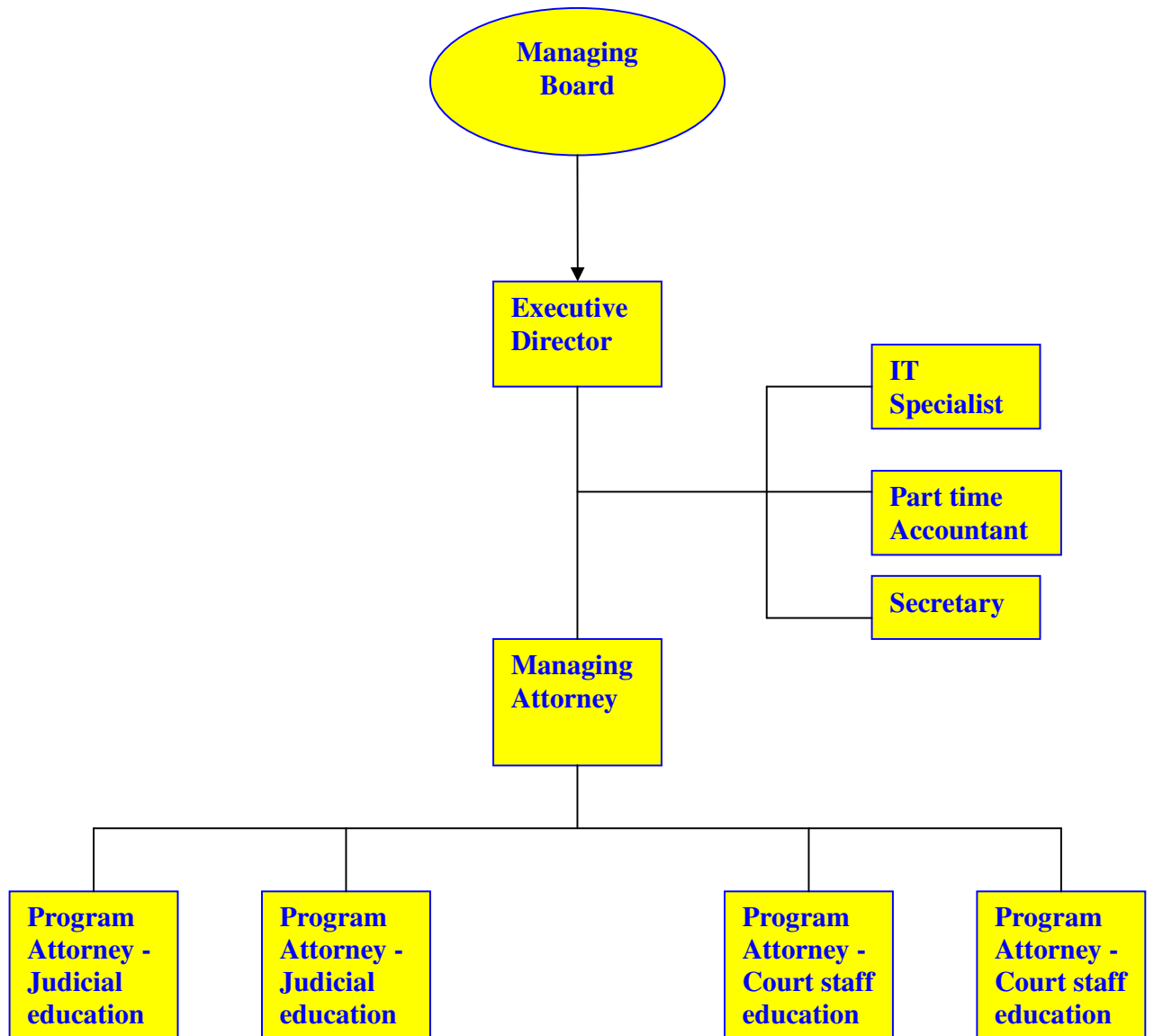
	<ul style="list-style-type: none"> - improving the reputation and stature of judges in the society, and taking care for judges' social and substantive interests; - adoption of a Code of Judicial Conduct and Ethics of judges; - encouraging substantial judicial reforms, and adequate participation of judges in the process of drafting legislation related to the judiciary; - facilitating appropriate authorities in defining judicial personnel policy; - continuing legal education for judges; - supporting cooperation and interaction between members of the MJA; - establishing and promoting cooperation between the MJA and other similar domestic and foreign associations and unions; - proposing amendments to variety of laws and regulations, and providing opinion during the legislative drafting procedure, thereon. <p style="text-align: center;">Article 5</p> <p>In order to accomplish the aforementioned objectives, the MJA shall:</p> <ul style="list-style-type: none"> - prepare relevant opinions of which appropriate authorities shall be inform in writing, and the public shall be inform through the media, as well; - organize seminars, workshops and symposiums on topics of judicial interest; - publish periodical, professional journal in conjunction with other institutions, authorities and associations; - participate through its representatives in the work of different committees and working groups whenever judicial issues are being considered.
Regulations of the Center	Article 1

for Continuing Education	<p>The Center for Continuing Education in the Macedonian Judges Association (hereinafter: Center), shall implement the program for education and expert edification of judges and other employees in the judiciary, and for this purpose shall organize lectures, seminars, workshops and other forms of working activities, in order to carry out the goals and tasks of the Macedonian Judges Association (hereinafter: MJA).</p>
<p>These are additional documents that may be useful:</p> <ul style="list-style-type: none"> • Law on Associations of Citizens and Foundations • Framework Agreement – Ohrid • Law on the Republic Judicial Council • Action Plan of the Government Macedonia 2003 • EU – Macedonia Annual Program 2003 • EU – Macedonia Annual Program 2004 • Country Strategy Paper 2002-2006 	

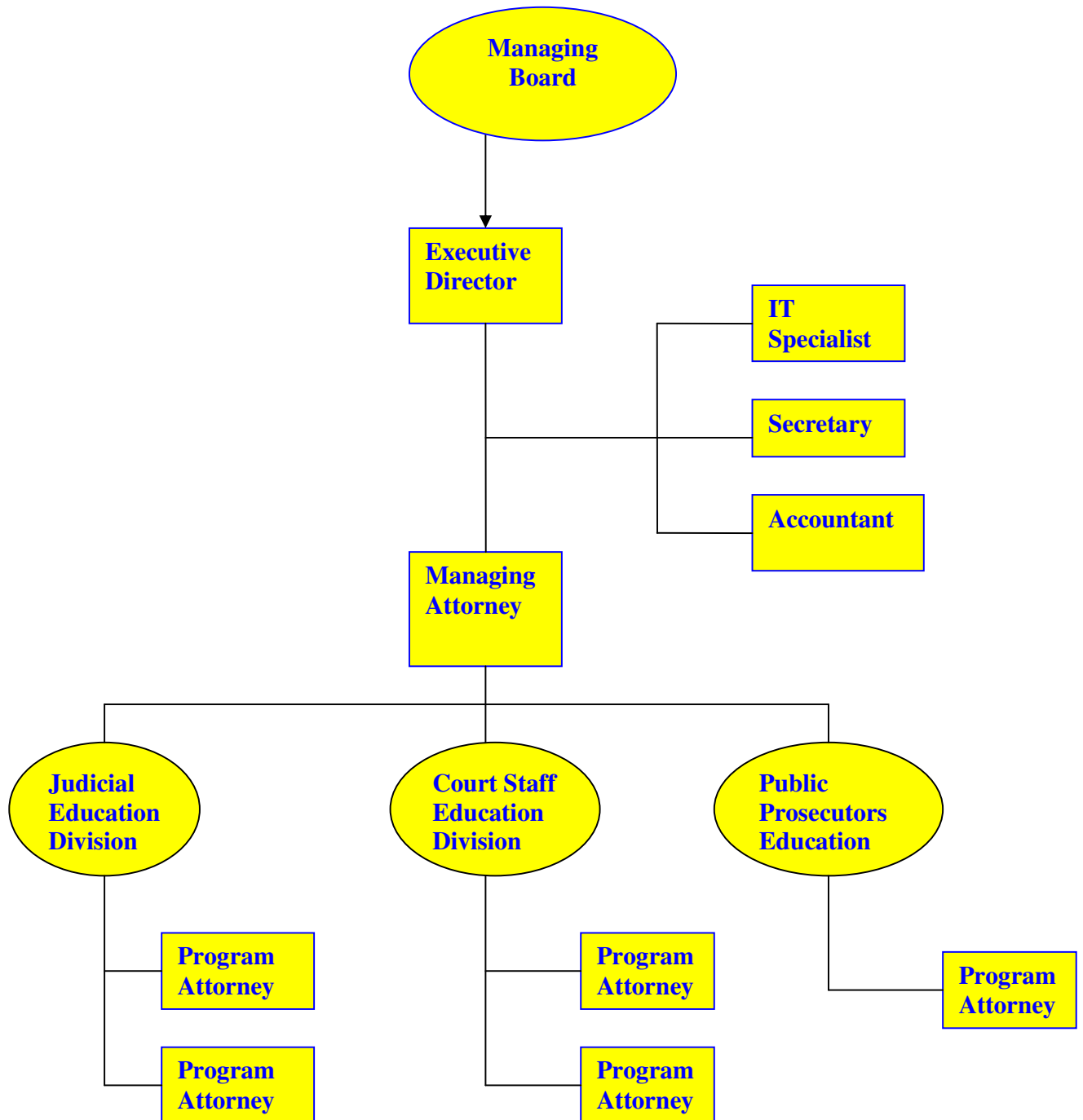
APPENDIX D

ORGANIZATIONAL CHARTS

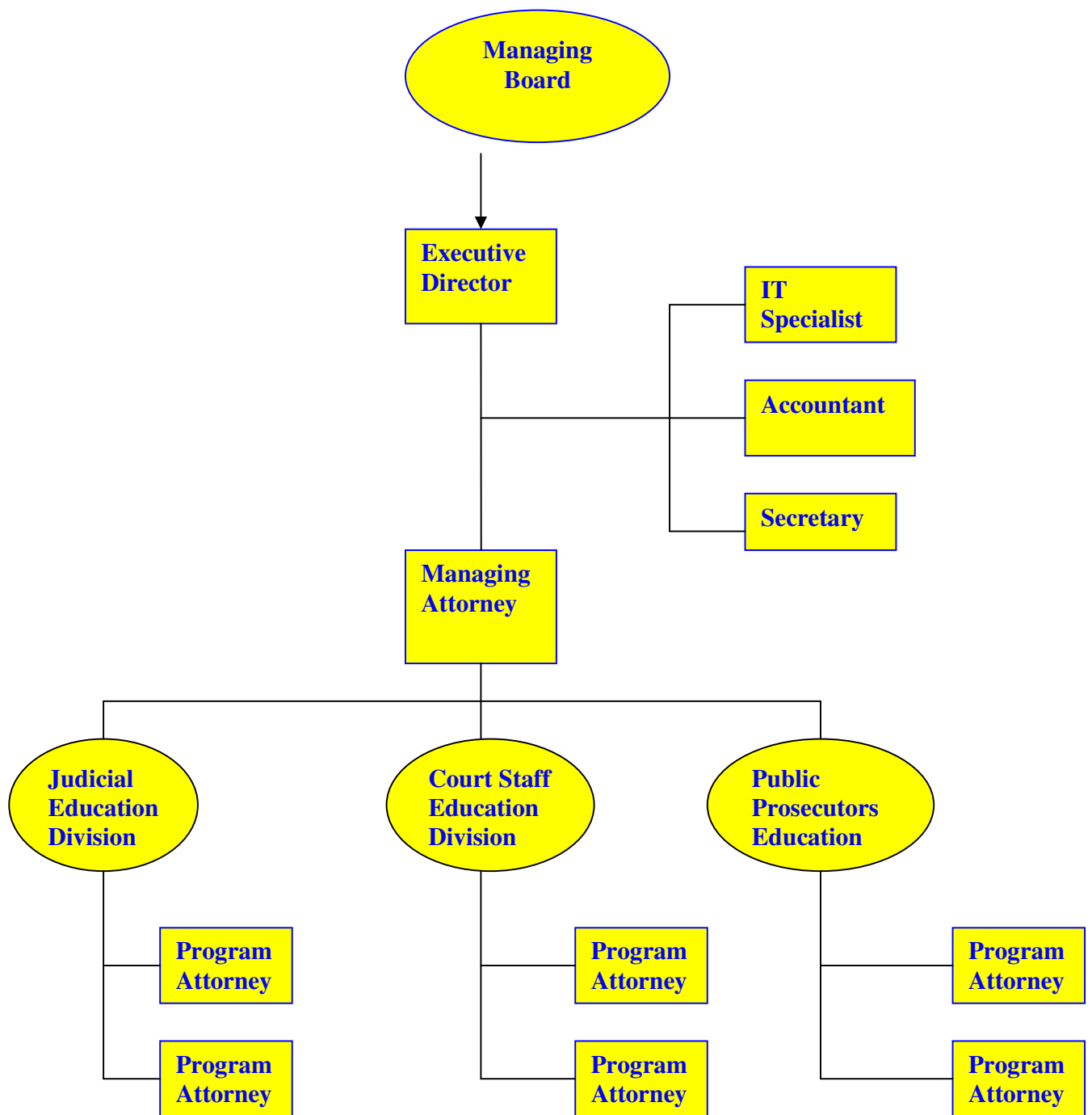
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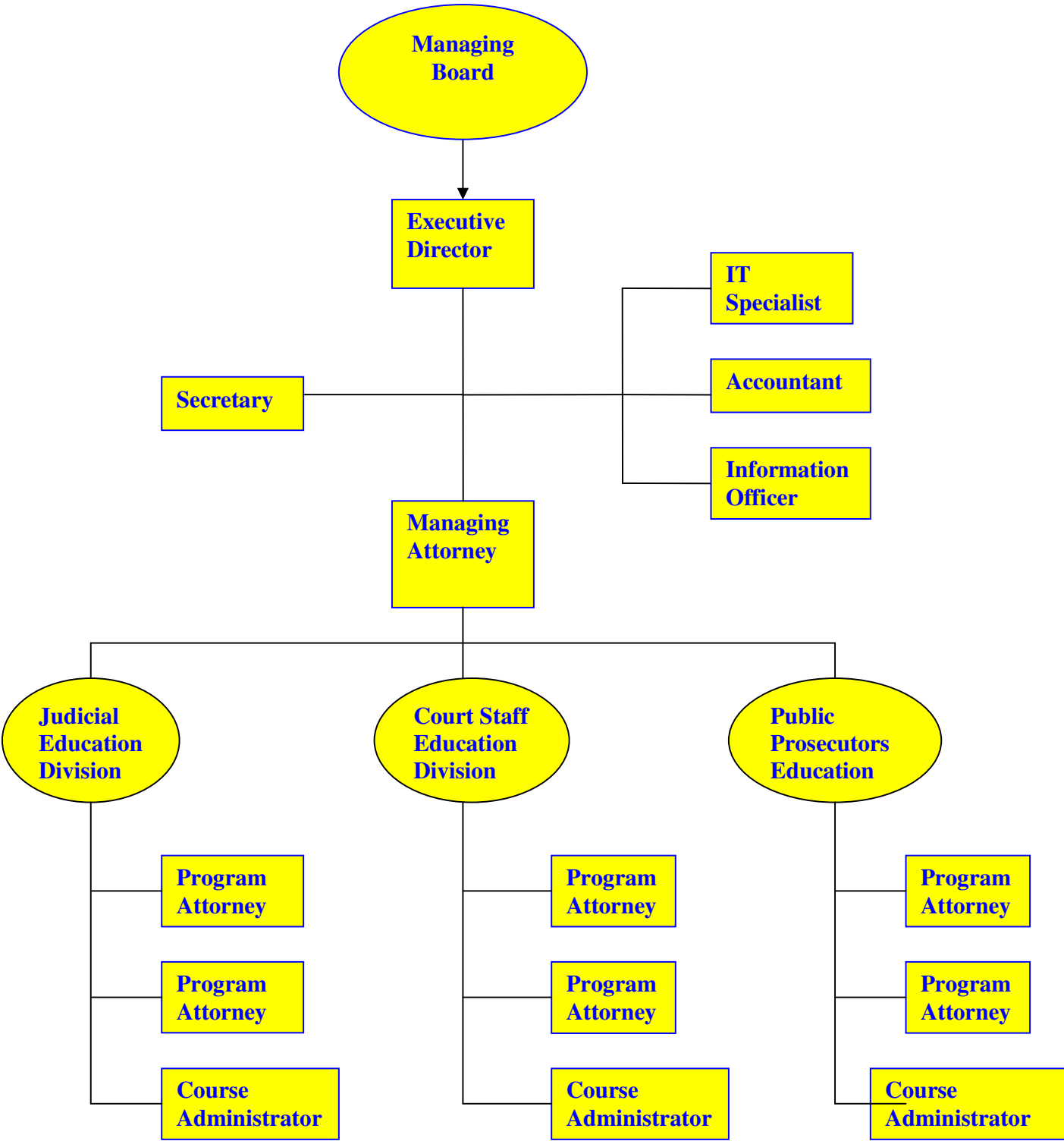
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Version 3



Version 4



APPENDIX E

Tentative Implementation/time schedule

<u>Area 1: Institutional development</u>		
ACTIVITY	GOAL	COMMENT
Allocation of appropriate premises	September 2004	Commitment and action from the relevant authorities is imperative.
Procurement of basic equipment	September 2004	International organizations might need to support the Centre.
Selection/appointment of staff	September 2004	Take steps to ensure funding for all staff positions.
Adoption of Statutes and possible changes in the Constitution	October 2004	This activity might require expertise from abroad.
Systematic procurement of books/documentation for library	Continually	
Development of good working relationships with different domestic institutions having an impact on the work of the Centre	Continually	
Promote links between the Centre and similar schools.	Continually	The Centre will need the experience of other European training schools. It should join the Lisbon Network and the newly created Prague Network.
Public promotion strategy	Continually	From the very beginning the Centre should enhance its visibility.
Meet with Macedonian	Continually	Enhance coordination

and international institutions involved in the reform of the judicial system		and cooperation.
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Area 2: Human resources development

ACTIVITY	GOAL	COMMENT
Identification and selection of faculty	January 2005	Criteria and rules of procedure for recruiting faculty will need to be developed.
Faculty development	Regularly	Regular training schemes should be implemented to include substantive law, teaching skills and curricula development.

Area 3: Curricula development and training

ACTIVITY	GOAL	COMMENT
Set up working groups on curricula development, (1 for judges, 1 for the public prosecutors, and 1 for staff)	October 2004	The working groups need to initiate curricula for pre-appointment and continuous education
Conduct training needs analysis	Continuous	Judges and public prosecutors must be closely associated with this exercise in order to optimize the training
Review and develop curricula for continuing education	October 2004 - April 2005	Curricula need to be revised and updated regularly. This table refers only to the first revision.
Develop and update teaching materials	Continually from April 2005	All such material should be stored electronically
Training of sitting judges and public	Continually from December 2004	The Centre's main focus will be the organization

prosecutors		<p>of training on the implementation of new legislation. However, new topics must be added, so that the Centre can move towards regular continuous training. Special attention must be given to training on non-legal but justice related topics (court and</p> <p>case management, judicial psychology, ethical standards, improving the transparency of justice, relations with the public and media). Training will need to be delivered to newly appointed judges/public prosecutors .</p>
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<u>Area 4: Initial training</u>		
ACTIVITY	GOAL	COMMENT
Develop criteria to define the competencies required of a good judge/public prosecutor	October 2004	Determining the profile of a Judge/ public prosecutor has a decisive impact on determining the content of education, on the selection of students and on the assessment of their performance
Decide on the number of trainees	October 2004	A decision on the number of trainees will need to be made annually.
Decide on the requirements to be met by candidates	October 2004	Determine whether trainees should be admitted to the Centre

		immediately after law school graduation or only after passing the bar exam
Decide on the training format	November 2004	Determine the duration of the training and the balance between theory and practice
Stage a conference to introduce the new pre-appointment training program	February 2005	Providing pre-appointment training is a fundamentally new concept which will affect all courts and public prosecutors' offices. To increase support for this idea it is important that stakeholders meet and discuss the future of pre-appointment training for the judiciary.
Develop special regulations (addressing such areas as the organization of initial training and the organization of entrance examinations)	March 2005	
Develop curriculum for pre-appointment training	January - June 2005	
Start first pre-appointment training cycle.	September 2005	

APPENDIX F

General Calculation of Costs

1. Initial Investment

- Office Space

Formula:

$$IR = (OS+SR) \times MBP + GOR \times TRC \times MPB$$

or

$$IR = (NS \times MS + SR) \times MBP + GOR \times TRC \times MPB$$

IR - initial investment into the rooms

OS – required office space

SR – required space of seminar rooms

MBP - general market price for a square metre of office space

GOR - necessary number of rooms

TRC - technical room coefficient

NS - number of staff to be employed

MS - minimum space per staff member

Example:

$$IR = (15 \times 10 + 200) \times 750\text{€} + 350 \times 0.3 \times 750\text{€} = 262.500\text{€} + 78.750\text{€} = 341.250\text{€} = 20.816.250\text{MD}$$

- Initial investment for computers and other computer related technology (CT)

Formula:

$$CT = COM1 \times CUP1 + COM2 \times CUP2 + S + PR \times NCR$$

CT - Initial investment for the computers and other computer related technology

COM1 - computers and laptops for the staff and for visitors = (NS+3)

CUP1 - computer unit price for staff computers (for initial calculations 1500€)

COM2 - computers for the classrooms

NCR- number of classrooms (3)

CUP2- computer unit price for the classroom computers (1000€)

S - Server

PR - printers (1 per 5 staff member)

XX - copymachine
DP - digital projectors (3)

Example:

$$CT = (15+3) \times 1500 + 3 \times 1000 + 3000 + 10000 + 3 \times 2500 = 52500€ = 3.202.500MD$$

- **Initial investment for non-computer related event technology (ET)**

Formula: $ET = TE + 2 \times TV + VREC + DREC + VC + AE$

ET - Initial investment for non-computer related conference (event) technology
TE- translation equipment for 80-100 persons
TV - TV set
VREC – video recording device
DREC - digital recorder
VC - videocamera
AE - audio equipment for classrooms

Example:

$$ET = 15000 + 2 \times 500 + 200 + 500 + 2500 + 2000 = 21.200€ = 1.293.200MD$$

- **Initial investment in furniture and other supplies (F)**

Formula: $F = SF + CF + GOF + BE + IOS$

or

$$F = NS \times OFUP + SN \times SFUP + GOF + BE + IOS$$

F – general cost for the furniture and other supplies
SF – furniture for the staff = $NS \times OFUP$ (office furniture unit price)
CF – conference room furniture cost = SN (seat number) \times $SFUP$ (seat furniture unit price)
GOF – general other furniture (shelves for library, rest room, whiteboards etc.); cost = 20-50% of SF
BE – bar equipment incl. refrigerator, microwave and coffee machine and dishes
IOS – initial office supplies = $NS \times 20€$

Example:

$$F = 15 \times 300 + 140 \times 70 + 0,4 \times 15 \times 300 + 6000 + 15 \times 20 = 22.400€ = 1.366.400MD$$

- **Summary of investments**

Formula: $GIC = R + CT + ET + F$

GIC – general investment cost
R – rooms (space)
CT – computer technology
ET – event technology
F – furniture and other supplies

Example:

$$\text{GIC} = 341.250 + 52.500 + 21.200 + 22.400 = 437.350\text{€}$$

or

$$20.816.250 + 3.202.500 + 1.293.200 + 1.366.400 = 26.678.350 \text{ MD}$$

2. Operating costs for the judicial institute on a yearly basis

- **General facility costs**

Formula:

$$\text{GFC} = \text{EL} + \text{WAC} + \text{M}$$

GFC – general facility cost
EL – electricity cost per year
WAC – water and canalisation per year
M – maintenance and cleaning per year

$$\text{GFC} = 5 \times 455 \times 12 = 27300\text{€} = 1.665.300 \text{ MD}$$

- **Cost related to personnel**

Formula:

$$\text{PRC} = \text{S} + \text{PRCC} + \text{FC} + \text{COMC} + \text{OEC} + \text{TTC}$$

or

$$\text{PRC} = (\text{NS} \times \text{MS} \times 12) + (\text{CT} - \text{COM2} - \text{DP}) \times 0,25 + (\text{NS} \times 0,15 \times \text{FP}) + (\text{NS} \times \text{COMCN} \times 12) + (\text{NS} \times \text{OECN}) + (\text{NS} \times \text{TTN})$$

PRC – annual personal related cost
S - annual salary fund
CC – annual computer cost
FC – annual furniture cost
COMC – annual communication cost
OEC – annual office equipment cost
TTC – annual training and travel cost
NS – number of staff
MS – medium salary per month of the staff incl taxes
PRCC – personel related computer costs = $\text{CT} - \text{COM2} - \text{DP} = 42000\text{€}$
CT - Computer related cost
COM2 - event realted computer cost

DP – digital projectors price

FP – furniture price

COMCN – medium communication cost normative per month

OECN – annual office equipment normative

TTN – medium annual travel and training cost normative

Multipliers are based on amortisation norms for respective equipment

Example of initial costs for centre

$$\text{PRC} = 15 \times 500 \times 12 + (52500 - 3000 - 7500) \times 0,25 + 15 \times 0,15 \times 300 + 15 \times 20 \times 11 + 15 \times 10 + 15 \times 700 = 90000 + 10500 + 675 + 3300 + 150 + 10500 = \mathbf{115.125\text{€}} = \mathbf{7.022.625\text{MD}}$$

3. Event costs – costs related to implementation of the training program

Formula:

$$\text{ECPD} = \text{LF} + \text{CP} + \text{MAT} + \text{RF} + \text{DOC} + \text{TCP} + \text{ACP} + \text{DAP}$$

or

$$\text{ECPD} = (\text{MLF} \times 8) + (\text{NP} \times \text{PCP} \times 2) + (\text{NP} \times \text{MMC}) + \text{RP} \times (\text{GNTD} - \text{OCTD}) : \text{GNTD} + \text{DOC} + \text{MTC} \times \text{MNNLP} + \text{AC} \times \text{MNNLP} \times 0.5 + \text{DA} \times \text{MNNLP}$$

ECPD – Event cost per day

LF – lecturers fees

CP – coffee pauses cost

MAT - training materials cost

RF – rent of facility

DOC – direct organisation cost, usually 5-30% of overall cost of the training day without transportation, accommodation and daily allowances costs. For initial calculation 15%.

TCP – transportation cost of the participants

ACP - accommodation cost of the participants

DAP – daily allowances for participants

MLF – medium lectors fee per hour (for initial calculation 50€)

NP – medium number of participants (for initial calculation 30)

PCP – price of the coffee pause per person (for initial calculation 1,5€)

MMC – medium training material cost per person

RP – medium rental price of facilities per day (for initial calculation 100€)

GNTD – general number of training days per year (for initial calculation 150)

OCTD – number of own (institute) classroom training days per year (for initial calculation 75)

MTC – medium cost of transportation per person

MNNLP – medium number of non-local participants

AC- medium accomodation cost per day
DA – rate of daily allowances

Example:

$$\text{ECPD} = (50 \times 8) + (30 \times 1,5 \times 2) + (30 \times 2) + 100 \times (150 - 75) : 150 + 0.15 \times \text{sum} \\ + 10 \times 10 + 50 \times 10 \times 0,5 + 5 \times 10 = 400 + 90 + 60 + 50 + 90 + 100 + 250 + 50 = \mathbf{1090\text{€}} = \\ \mathbf{66.490\text{MD}}$$

4. Average training cost per day of a participant

Formula:

$$\text{OTC} = (\text{IIR} + \text{GFC} + \text{PC} + \text{OPG}) : (\text{GNTD} \times \text{NP})$$

or

$$\text{OTC} = (\text{IR} \times 0,02 + \text{CT} \times 0,25 + \text{ET} \times 0,15 + \text{F} \times 0,15 + \text{GFC} + \text{PC} \\ + \text{ECPD} \times \text{GNTD}) : (\text{GNTD} \times \text{NP})$$

OTC – overall training cost per day per participant

IIR – initial investment required multiplied with amortisation coeficents per year

GFC – general facility cost per year

PC – overall personel cost per year

OPG – overall programm cost per year

NTD – number of training days per year

NP – medium number of participants per training day

IR – initial investment into rooms

CT – initial investment into computer related technology

ET – initial investment into events technology

F – initial investment into furniture

ECPD – medium event cost per day

GNTD – general number of training days per year

NP – medium number of participants per training day

Example:

$$\text{OTC} = \\ (341250 \times 0.02 + 52500 \times 0,25 + 21200 \times 0,15 + 22400 \times 0,15 + 27300 + 115125 + 1090 \times 150 \\) : \\ 150 \times 30 = \\ (6825 + 13125 + 3180 + 3360 + 27300 + 115125 + 163500) : 4500 = 73,87\text{€} = \mathbf{4506\text{MD}}$$

Summary

All calculations are very basic and provide only a rough estimate of costs. At the same time they are enough foolproof to estimate the amount necessary to create a training centre. Since the components of the formulas can be easily changed or some necessary component added they provide decisionmakers without an accounting or economics background proper a usable tool for initial calculations and control of the costs of the training center.

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